

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
Charlotte Division

FILED  
CHARLOTTE, NC  
SEP 23 2013

US District Court  
Western District of NC

DAVID WILLIS,

Plaintiff,

v.

ACTION NO. 3:12cv843

JASMINE MARCHANT, et al.,

Defendants.

**ORDER**

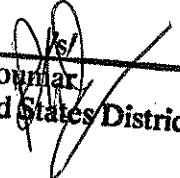
This pro se action was dismissed by Order of this Court dated February 26, 2013. Plaintiff appealed the dismissal to the United States Court of Appeals for the Fourth Circuit. The Fourth Circuit affirmed this Court's dismissal on its reasoning, and its mandate was issued on August 13, 2013.

On August 16, 2013, Plaintiff filed a Motion for Relief from Judgment pursuant to Fed. R. Civ. P. 60(b). Plaintiff argues that the Dismissal Order contradicts a law journal article written by the undersigned judge. The Court dismissed Plaintiff's claims because the Complaint failed to set forth specific, non-conclusory facts indicating a plausible claim of entitlement to relief. Nothing in Plaintiff's Motion for Relief would alter that reasoning. Additionally, Plaintiff advanced the exact same argument when the Court considered whether to dismiss this action. "Where the motion is nothing more than a request that the district court change its mind . . . it is not authorized by Rule 60(b)." United States v. Williams, 674 F.2d 310, 313 (4th Cir. 1982). Plaintiff's Motion for Relief is therefore **DENIED**.

Plaintiff may appeal from this Order by forwarding a written notice of appeal to the Clerk of the United States District Court, Charlotte Division, Room 212, 401 W. Trade St., Charlotte, NC 28202. Said written notice must be received by the Clerk within sixty (60) days from the date of this Dismissal Order. If Plaintiff wishes to proceed *in forma pauperis* on appeal, the application to proceed *in forma pauperis* is to be submitted to the Clerk, United States Court of Appeals, Fourth Circuit, 1100 E. Main Street, Richmond, Virginia 23219.

The Clerk is **DIRECTED** to mail a copy of this Order to Plaintiff and counsel for Defendants.

**IT IS SO ORDERED.**

  
Robert G. Downum  
Senior United States District Judge

Norfolk, Virginia  
September 17, 2013